

**DIRECT TESTIMONY
OF
INTERVENER WITNESS ROBERT JAMES**

SCPC DOCKENT NO. 2002-395-E

EXHIBIT 2



July 8, 2002

Robert James, Jr.
4 John Street
Charleston, SC 29403

Re: CP&L Darlington County Plant - Florence Transmission Line Project

Dear Robert James, Jr.:

Thank you for filling out a project questionnaire or submitting a letter regarding CP&L's planned transmission line project in Florence and Darlington counties. Your input is important in identifying issues considered in selecting this line route.

As announced last year, CP&L is constructing a new transmission line from the Darlington County Plant to the Florence Substation to ensure the reliability of electric service in Florence and Darlington counties.

Choosing the selected line route involves a study comparing alternative routes based on criteria local residents helped us establish at information meetings and through project questionnaires and letters. The objective of the study is to identify the line route or routes that best provide reliable electric power while minimizing adverse impacts on individual property owners and the natural environment. Based on public input received, data collected from local, state, and federal agencies, field observations, and a thorough analysis of the alternative routes, we will select a line route that meets the stated objective.

Again, thank you for filling out a project questionnaire or submitting a letter regarding CP&L's planned Darlington County Plant to Florence transmission line project.

Sincerely,

A handwritten signature in cursive script that reads 'Eddie L. Taylor'.

Eddie L. Taylor
Project Engineer
CP&L Transmission Department

**DIRECT TESTIMONY
OF
INTERVENER WITNESS ROBERT JAMES**

SCPC DOCKENT NO. 2002-395-E

EXHIBIT 3



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Suggestions



For

ejramsburch@hotmail.com

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This is letter from someone
with Kansas-based concern
responsible for tallying information
on survey sheets; they also came
up with original route proposals
and will provide suggestions for
final decision.

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From : "Kristi Wise" <kwise@burnsmcd.com>

To : <ejramsburch@hotmail.com>

CC : <eddie.taylor@cplc.com>, <mindy.iseman@pgnmail.com>, <steve.wilson@pgnmail.com>

Subject : Darlington to Florence Transmission Line

Date : Thu, 20 Jun 2002 10:40:30 -0500

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Mrs. Ramsburgh,

This e-mail is in response to the e-mail you sent to Steve Wilson with CP&L on June 16, 2002 regarding the routing of the new Darlington County Plant to Florence 230-kV Transmission Line Project.

My firm, Burns and McDonnell, was hired by CP&L as an independent consultant to develop routes for the new transmission line and to coordinate public involvement via the public workshops held May 21 and 23, 2002 in Darlington and Florence. Using aerial photography, USGS quadrangles, contacts with local, state, and federal agency personnel, and a variety of other information, we developed the preliminary routes displayed at the workshops. Our goal was to develop the most direct and feasible route alternatives. We are currently compiling the information received from the public, and will use the results to analyze the routes and identify a route with the least overall social and environmental impacts. We also use the workshops to gather information from the public regarding issues or constraints we were not originally aware of, and to give the public an opportunity to suggest feasible alternatives that we may have unintentionally overlooked. In this case, however, we did evaluate in detail the existing transmission lines between Lake Robinson and the Florence substation.

There are a variety of factors that we must consider when developing routes. Our primary concern is to avoid as many homes as possible with this new line, but we also look at businesses, public facilities, irrigation practices, wildlife areas, cultural resources, wetlands, visibility, and engineering constraints. One of our first tasks is to locate existing infrastructure such as transmission lines, gas pipelines, and railroads that the new line could follow without severely impacting additional residences. In Darlington and Florence counties, most of the existing transmission lines were built 30 or more years ago when it was easier to have a direct route between substations and power plants due to fewer homes and less significant environmental issues. Since that time, many residents have chosen, for one reason or another, to build homes near some of these existing transmission lines. For instance, most of the existing lines that run southeast from the Lake Robinson Plant go through a heavily developed portion of Hartsville. The new line would have to be built within an unsafe distance from many homes in these areas because an additional 70 feet of new right-of-way

is required for the new line parallel to the older line. The routes we developed parallel the existing transmission lines and gas pipelines as much as possible where there are no significant obstacles along the existing lines. (Approximately 40% of our preliminary routes follow existing transmission lines or gas pipelines.) In order to develop a fair range of alternatives for comparison, we also developed routes that would deviate from the existing transmission lines. Some landowners along existing transmission lines feel it is an unfair burden for them to shoulder an additional transmission line. The final selected alignment will be determined based on the results of our routing analysis which takes into account all of the factors mentioned above.

Another issue you mentioned in your e-mail involved double-circuiting the existing transmission lines, or upgrading the existing lines to carry the necessary voltage. In order to double-circuit the existing lines, outages would be required while new structures capable of supporting the additional line were constructed. Because these lines originate from power plants, they are considered "Category 1" lines. From an engineering and reliability standpoint, it is not feasible to take extended outages on these lines. Also, CP&L cannot or will not be able to transfer load from any of the primary source lines to other lines in order to take the necessary outages to build a new double circuit line. It may be possible, in order to minimize impacts to certain obstacles along the existing lines, for CP&L to double-circuit short sections of the routes where they are prevented from routing the line around the obstacle or building the new line parallel to the existing line. In Florence and Darlington counties, however, there were generally less-impacting and feasible available alternatives in these areas. As far as the Hurricane Hugo study relative to multiple transmission lines from generating plants, we are not aware of such a study but we will make an effort to locate and review this study.

CP&L's goal is to utilize the most feasible and direct line route location. This will be determined via our routing analysis, which is one way to objectively rate the social and environmental impacts along the identified routes. Though we do not yet know which route will be selected, the final selected route will likely be an option that combines some new right-of-way with lengths parallel to existing transmission lines.

I hope I have answered all your questions, and I apologize for this long-winded response. Thank you for your input, and feel free to contact us again should you have any additional questions.

Kristi Wise
Environmental Scientist
Burns and McDonnell
9400 Ward Parkway
Kansas City, MO 64114

tel: 816-822-3598
fax: 816-822-3515
e-mail: kwise@burnsmcd.com

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**DIRECT TESTIMONY
OF
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SCPC DOCKENT NO. 2002-395-E

EXHIBIT 4

1503 Cambridge Road
Ann Arbor, MI 48104
June 4, 2002

Mr. Steve Wilson
OHS 11 A
412 S. Wilmington St.
Raleigh, N.C. 27602

Dear Mr. Wilson,

I am writing to express my strenuous objection to your running a 230 kiloVolt transmission line between Darlington and Florence along proposed route number 32. First, this proposal represents a major encroachment onto what is the last green belt between Darlington and Florence along Highway 52: as it now stands, our farm, the Albert James farm, and the Bethea Baptist Home are the only uninterrupted green space along that highway. A recent movement to give jurisdiction of the city entrances to the Darlington City Council indicates that the community has begun to appreciate the importance of improving and protecting the rural areas along entrances into the town. The transmission line would constitute a glaring encroachment into this natural green belt.

Second, this proposal would severely impact our farm. The Fairview farm and its neighboring farms were established in the mid-nineteenth century and our farmhouse has been a landmark on the Florence-Darlington Highway since the turn of the century. A large transmission line running along its southern border has already compromised the aesthetics of the farm. The magnitude of the proposed transmission line and the structures required to carry such a large line would add insult to injury.

Moreover, your website lists only two web pages that discuss health concerns, and both take a pro-business position. Our own search came up with dozens of sites that express a more critical concern about the potential health risks. The Bethea Baptist Home is an adjoining property to the proposed route. Since so little is known about the long-term effects of EMFs, your ethical duty is to run these lines as far as possible from an already vulnerable population.

In short, the proposed route number 32 would have a severely negative impact on the health, appearance, and property values of lands which are essential to the continued well-being of the entire Darlington County community. My family and I are committed to preserving these areas from detrimental encroachment, and will seek whatever legal recourse necessary to block this proposal.

Sincerely,



Cc: Mindy Iseman, Stuart Ames, Emerson Gower, Buz Moore

**DIRECT TESTIMONY
OF
INTERVENER WITNESS ROBERT JAMES**

SCPC DOCKENT NO. 2002-395-E

EXHIBIT 5

4 John Street
Charleston, SC 29403
June 4, 2002

Mr. Steve Wilson
OHS 11 A, 412 S. Wilmington St.
Raleigh, NC 27602

Sir:

We want to make certain that you understand that our opposition to the suggested route 32 of the 230 kiloVolt transmission line from Lake Robinson to the substation in Florence, SC, is absolute, and that we will take all legal steps available to us to see that this route is not selected.

Since this farm came into our hands, my sister and I have been dedicated to keeping it as a well-tended green area, the income from the farm largely going back into some aspect of farm and dwelling maintenance. Considering the alternative – the worth of this land for industry or development at this location -- we are yearly making a considerable financial sacrifice. We plan to keep on this path and will use our resources to fight any intrusion.

The farm is over one hundred years old and represents our grandfather's and father's life's work. The house, included in several books on South Carolina architecture, is a notable one. With out cousins' farm we are protecting the last area of green space between Darlington and Florence. This territory is, we feel, essential to the county's future good health and well-being.

In addition to the concerns about a section of green space that should be maintained and a house that merits protection, we have other reservations. Our woods are being carefully maintained and are a haven for songbirds. Our fields are a regular territory for threatened birds of prey: the red-tailed hawk, red-shouldered hawk among others. The negative impact of high-powered lines on birds is well documented.

I am not addressing here our concerns about our neighbor whose farm will be rudely and unnecessarily divided, or our cousins' 1834 farm that will be cut across for a second time, but I will mention that the idea of proposing a route near a health facility, the Bethea Baptist Home, seems to me to be unnecessarily asking for problems.

Sincerely,



Robert E. James, Jr.

cc: Ms. Mindy Iseman, Mr. Stuart Ames, Mr. Buzz Moore

**DIRECT TESTIMONY
OF
INTERVENER WITNESS ROBERT JAMES**

SCPC DOCKENT NO. 2002-395-E

EXHIBIT 6

William L. Want
ATTORNEY AT LAW
171 Church Street, Suite 300
Charleston, South Carolina 29401

(843) 723-5148
(fax) 723-2804

August 1, 2002

wwant@aol.com

Mr. Steve Wilson
OHS 11 A
412 S. Wilmington St.
Raleigh, N.C. 27602

Re: CP&L's Darlington County Plant – Florence 230 Kv Transmission Line

Dear Mr. Wilson:

I am an attorney working for Bob James and Ellen James Ramsburgh, owners of a house (called the Robert James house) and farm in the path of one of the alternative routes for this transmission line. Their house and farm are of historic and environmental significance and would be marred by the selection of spur 32, which goes less than one-half mile from the house and across the farm. They and their neighbors have written you letters urging CP&L not to select spur 32.

I wish to point out in this letter that CP&L is required by South Carolina case law to consider historic and environmental values in making its condemnation decision. Specifically, the South Carolina Court of Appeals set forth in Southern Development Land and Golf Co. v. S.C. Public Service Authority, and the South Carolina Supreme Court approved, standards by which a proposed condemnation must be judged. 409 S.E.2d 428 (Court of Appeals, 1991), aff'd., in part, rev. in part, 726 S.E.2d 748 (Supreme Court, 1993). In that case, the Court of Appeals stated that the condemning authority must consider "safety, reliability, aesthetics, and costs along with any other appropriate factors such as environmental conditions and long range planning by public authorities." 409 S.E.2d at 434. According to the Court, it was up to the condemning authority – in that case Santee Cooper – to then choose the route "based upon a reasoned analysis of the relevant factors." In the Southern Development Land case, the Court enjoined the proposed condemnation for a power line route because Santee Cooper's chosen route lacked a sufficient factual basis.

In addition to the case law described above, I have advised my clients that citizens such as themselves could gain greater protection for historic and environmental values by seeking legislation that specifically requires condemning authorities to consider these factors. As you are aware, numerous states have such laws. I participated in drafting such a law for South Carolina several years ago that was going to be introduced in the General Assembly but was not when the condemning authority agreed to give substantial weight to these values.

The historic and environmental factors involved with the Robert James house are as follows. The house was built in 1898 and is a notable example of a Greek Revival house adapted to both Carolina tastes and climate. It was designed by the notable South Carolina architects Charles Coker Wilson and William Edwards for their cousins Robert Ervin and Williamson James. The house is distinguished by high quality workmanship and materials, the amount and quality of exterior woodwork and good plan. The house is important to Darlington County because it is almost totally unchanged and one of the best houses of that period. It has statewide importance as a significant example of the residential work of two influential South Carolina architects. The Robert James farm and their cousins' adjacent farm stretch almost two miles along the 10 mile Florence-Darlington Highway. The farms contain fields that are still farmed and substantial amounts of protected woodlands. The land bordering the Florence-Darlington Highway historically was mostly rural, but with the exception of the two James farms, it is now almost all industrial and commercial. Much of it is very unsightly which is unfortunate since the highway is major point of entry into both Florence and Darlington.

The Robert James house and farm provide a welcome green space along the Florence-Darlington highway and a link to the area's historic past. Without it, the entire 10-mile stretch would be completely unrecognizable to all but the current generation. Not only would the selection of spur 32 detract from the historic and environmental quality of the James house and farm, it would also discourage the owners from maintaining their house and farm. They do so now at substantial expense and in the face of much more profitable alternatives. They feel very strongly that spur 32 should not be selected and have asked me take whatever legal actions we can to prevent it. I urge you to take seriously into account the significant historic and environmental factors involved in this case as is required by the Southern Development Land case. Further, if condemning authorities refuse to do so in cases like this, it will be imperative that a statute be enacted that clearly requires them to do so.

Sincerely,

Bill Want

Bill Want

cc: Mr. Stuart Ames
Mr. Emerson Gower
Ms. Mindy Iseman
Mr. Eddie Taylor
Ms. Kristi Wise

**DIRECT TESTIMONY
OF
INTERVENER WITNESS ROBERT JAMES**

SCPC DOCKENT NO. 2002-395-E

EXHIBIT 7



August 8, 2002

Mr. Steve Wilson
OHS 11 A
412 S. Wilmington St.
Raleigh, NC 27602

Re: CP&L's Darlington County Plant-Florence 230 kV Transmission Line, Darlington and Florence Counties, SC

Dear Mr. Wilson:

Our office has been contacted with concerns about possible adverse effects from the above-mentioned project to the Robert James House and Farm. This property is situated along Highway 52 and is on the proposed spur 32 of this transmission line project. Our office has made a preliminary evaluation of this property and believes that it is eligible for the National Register of Historic Places.

This evaluation is based upon the information provided to us by the family and on our knowledge of the work of Charles Coker Wilson and William Augustus Edwards, architects for the farmhouse. The Robert James House, and likely the farm surrounding it, is National Register-eligible under Criterion C as the work of two of the state's most significant architects of the late 19th and early 20th centuries, and as an excellent example of a rural residential property and farm in this part of South Carolina at the turn of the 20th century. The farm may also be eligible under Criterion A for agriculture.

We urge you, as you make your alternate selections, to consider the effects of a 230 kV power line to this historically significant rural property. If you would like additional comments or information from our office, please let us know. You may contact me at (803)896-6173. Or you can reach our Architectural Historian, Andrew Chandler, at (803)896-6179.

Sincerely,

Valerie Marcil
Review and Compliance
State Historic Preservation Office

**DIRECT TESTIMONY
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SCPC DOCKENT NO. 2002-395-E

EXHIBIT 8

PROGRESS ENERGY CAROLINAS, INC.

Item No. 1:

On page 4-9 of the Progress Energy Routing Study and Environmental Report for the Darlington County Plant-Florence 230-kV Transmission Line Project (henceforth Routing Study) the following statement is made: "The public also ranked reliability and distance from historic sites, which were not included as routing factors because reliability is unquantifiable, and there was only one National Register-listed or eligible historic site near the proposed routes." With regard to that statement:

- (a) What is the one National Register-listed or eligible historic site near the proposed routes?
- (b) Was it National Register-listed or eligible?
- (c) If the site was not the Robert James House and/or Farm, why was the James property not included in light of the letter from Archives and History of August 8, 2002 stating that "the Robert James House, and likely the farm surrounding it, is National Register-eligible and in light of the information supplied by Bob James and Ellen Ramsburgh?

Response:

- (a) At the time of the route identification and comparison, there was only one known listed National Register historic site along the proposed routes, based on a records search completed at the South Carolina Institute of Archaeology and Anthropology (SCIAA). The site was the Oaklyn Plantation, located along Segment 28 between Meadow Brook and Howards Crossroads. There were also four National Register-eligible archaeological sites within a half-mile of Segment 28.
- (b) The information from the SCIAA indicates the Oaklyn Plantation is a historic district that is eligible for the National Register of Historic Places (NRHP).

PROGRESS ENERGY CAROLINAS, INC.

Item No. 4:

As to the Robert James House and/or Farm:

- (a) What consideration was given to it in selecting the route that includes segment 32 and considering alternatives to that route?
- (b) Was the Robert James House and/or Farm included in any way in the scoring or weighing process and if so, describe how it was considered and what weight or score was given to it.
- (c) If the Robert James House and/or Farm was not included in the scoring or weighing process, was it considered in choosing the route in any other way and if so, describe how it was considered?

Response:

- (a) At the time of route development, route comparisons, and the selection of a preferred route, the James house and/or farm were not known entities in the SCIAA's records, so they were not considered in the initial identification of the preferred route as historic properties. The house was given consideration like other houses in the vicinity of the project, in that routes were developed that avoided existing homes by at least 200 feet, whenever possible. The house would be more than 1,000 feet from the proposed transmission line. It was also taken into consideration in the calculation of the visibility rating for Segment 32. The farm was taken into consideration through the categories for agricultural land and woodland crossed. The only segment within a half-mile of known listed or eligible NRHP sites during the route selection process was Segment 28. These sites were considered as impacts for routes using Segment 28, but other factors, such as proximity to residences, length and agricultural impacts, contributed significantly to these routes not being selected as the preferred route.

- (b) Because they were not present in the SCIAA's records during the route development and selection process, they were not included in the scoring or weighing process as cultural resources. The length across the James farm, acres of agricultural land and woodland crossed, length along existing transmission corridor, and visibility rating were quantified in the evaluation of routes containing Segment 32. The weights for these categories were: 1 for total length, 13 for agricultural impacts, 7 for woodland impacts, 10 for length not along existing transmission corridor, and 10 for visibility rating. Had we known of their presence as cultural resources, they still would not have received either a score or a weight because scores were quantified for routes and weights were applied to comparison criteria, not individual properties.
- (c) Regardless of whether it received a weight or score, the eligible structures and/or properties would have been considered in the route comparison had their presence been known prior to selecting a route. However, the preferred route was selected in July and Progress Energy was not informed of the potential eligibility of the property until August. The house and farm were considered in the analysis as described in (b) above. One of the primary reasons for identifying this route was the presence of the existing transmission line on the property. The new information regarding the James house and farm are currently being considered and will be evaluated by the SHPO prior to construction if the preferred route is approved by the SCPSC. If an adverse impact is determined by the SHPO and Federal agency, Progress Energy will work with the SHPO to identify mitigation techniques to be used to minimize or avoid these impacts.

**DIRECT TESTIMONY
OF
INTERVENER WITNESS ROBERT JAMES**

SCPC DOCKENT NO. 2002-395-E

EXHIBIT 9



August 8, 2002

William L. Want
Attorney At Law
171 Church Street, Suite 300
Charleston, South Carolina 29401

RE: CP&L's Darlington County Plant – Florence 230kV Transmission Line

Dear Mr. Want:

Thank you for your August 1, 2002 letter regarding siting of CP&L's proposed Darlington County Plant – Florence 230 kV transmission line. I want to assure you and your clients that in selecting the preferred route for the transmission line in question, CP&L will consider the factors you identified in your letter along with numerous other criteria. It is CP&L's practice to conduct a comprehensive routing study and prepare an environmental report on the selected line route as well as the other alternatives considered. The study and report consider and evaluate potential impacts on natural resources; human resources, including land uses; cultural resources, including archaeological and historical sites; and the visual character of the area.

CP&L appreciates your input. If you have any further comments or questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Wilson'.

Steve Wilson
Project Manager

SLW/hfm:DarlCtyPlt-FlorLtr-Want.doc